

Simpson Thacher & Bartlett LLP

425 LEXINGTON AVENUE
NEW YORK, NY 10017-3954

TELEPHONE: +1-212-455-2000
FACSIMILE: +1-212-455-2502

Direct Dial Number
+1-212-455-3070

E-mail Address
brooke.cucinella@stblaw.com

VIA ECF

April 1, 2020

Re: *United States of America v. Joseph Spencer*, No. 04-cr-1156 (PAE)

The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Dear Judge Engelmayer:

Given the rapidly changing circumstances caused by the COVID-19 public health crisis, I write on behalf of Joseph Spencer to respectfully request that the next conference in this matter, currently scheduled for May 11, 2020 at 3:15 PM, be conducted as soon as possible. Mr. Spencer is prepared to proceed with a plea and sentencing immediately. We respectfully request that the conference proceed by videoconference or teleconference, pursuant to Chief Judge McMahon's March 30, 2020 Standing Order.

An earlier conference is warranted given the severe risk Mr. Spencer faces from COVID-19 as a result of his pre-sentencing incarceration at MDC Brooklyn, and we note that the Bureau of Prisons has identified Mr. Spencer as a candidate for compassionate release.

As an alternative to an earlier conference, we respectfully request a bail hearing to be held as soon as possible given the ongoing threat to Mr. Spencer's physical health. *See* 18 U.S.C. § 3142(g)(3)(A) (listing a person's "physical and mental condition" as one of the release factors to be considered in a bail application).

We have conferred with the Government who consents to proceeding with a conference prior to the currently scheduled date.

April 1, 2020

The Honorable Paul A. Engelmayer

-2-

Respectfully,

/s/ Brooke E. Cucinella

Brooke E. Cucinella

Counsel for Joseph Spencer

The Court will hold a video conference in this case on May 5, 2020 at 9:00 a.m.
The Clerk of Court is requested to terminate the motion at Dkt. No. 59.

4/29/2020

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge